

From: Brian J. Taylor
To: Microsoft ATR
Date: 1/23/02 9:36am
Subject: Microsoft Settlement

To Whom It May Concern,

I am writing this email to lodge my complaint against the currently proposed Microsoft Settlement.

After having read the entire proposed settlement located at <http://www.usdoj.gov/atr/cases/f9400/9495.htm>, I have come to the firm conclusion that the settlement is poorly written. What I have yet to determine is why this judgment has been so poorly written.

The amount of problems is abysmal, and finding too little time to elaborate on all of them, I will pick two which I will discuss here.

1. Section III A needs revising to include the prohibition of Microsoft from punishing OEMs who choose to ship computer products which do not use a Microsoft Operating System.

2. The overall settlement should include provisions on Microsoft to release documentation detailing the file formats on files which are used/generated by any Microsoft operating system or application.

Section III A of the settlement

Here the government prohibits Microsoft from retaliating against any computer manufacturer who ships a computer which includes a competing operating system on the computer. However, it never specifies that Microsoft cannot retaliate against a computer manufacturer who ships a computer without a Microsoft operating system.

As a member of the technological community, it is often obvious to me how Microsoft conducts its business practices. If there is something Microsoft doesn't like, it will use whatever means it can to remove the offending item. We plainly saw this in the case against its rival in the browser arena, Netscape. Microsoft began to tie their Internet Browser with the operating system, configured it to be the default browser, then made it difficult to remove IE from the desktop. The end result has been that IE now dominates the market.

What are we then to conclude by the lack of restriction on Microsoft, a company which has been found to have engaged in Antitrust practices? Consider a scenario of a computer manufacturer who has a relationship with Microsoft, but chooses to operate a division which distributes PCs without using a Microsoft operating system. I can easily see where such a situation may arise if an OEM chooses to begin a Linux OS division.

Because of the lack of a restriction, Microsoft is left with the ability to exert pressure on the OEM to close down that division, or its business relationship with Microsoft would suffer. The OEM is left with little choice but to stop that division, and the other OS is never given a chance to grow.

Are we then to conclude that the only way an operating system is to grow is along with a dual installed relationship with Microsoft operating systems? Then how does Microsoft NOT influence technology and hurt the consumer? Section III A needs to be amended to include a clause which prohibits Microsoft from retaliating against OEMs who choose to ship computers without a Microsoft operating system.

Releasing Documentation on Microsoft File Formats

Perhaps one of the more egregious tamperings with technology that I find Microsoft capable of is the continual modification of the file formats it uses, making inter operability with other applications and operating systems difficult at best and impossible at worst.

Because of the dominance of Microsoft within the operating system market, no other operating system stands a chance if it cannot develop non Microsoft products that work with files generated with Microsoft products. Take for instance Microsoft Word documents. These are normally found with the ".doc" file extension. Microsoft continually modifies the structure of the .doc file format to prevent their editing and use with other pieces of software such as Corel WordPerfect.

Corel was a case study in what happens with a company who chooses to compete against Microsoft in the word processing business. I cannot stress enough the number of times I had difficulties in opening and saving documents generated by Microsoft Word under WordPerfect. From a proprietary standpoint, Word documents deserve no protection on their file structure. The way that Microsoft Word operates is the true intellectual property, the files it save are merely pieces of data created by their users. So why does Microsoft continually change the file format? Simple, it makes competing applications and operating systems look like they do not work, thereby misleading customers that they must use Microsoft or Microsoft certified products.

If any other operating system is going to become competitive, it must be able to handle documents generated by Microsoft applications and operating systems. In order for this to occur, the Department of Justice must order Microsoft to open their file structure formats to the public, as they are modified for use within their own applications and operating systems. The lack of such a statement on the part of the Justice Department, makes the settlement that much weaker.

I read newspapers, I follow the news, and I participate in several

technology information forums. From discussions which arise from colleagues and friends, it amazes me the number of times I hear the opinion that the Department of Justice is settling with Microsoft with easy terms due to the nature of our economy. I find it ludicrous that the Department of Justice could so easily settle this case because there is a sentiment that somehow rightfully punishing an offender of the Antitrust legislation's would hurt the economy, and therefore we must somehow be lenient on the offender. Yet, it appears this may be actually happening.

I believe part of the economy's problems stem from corporation's abuse of business ethics and how they conduct themselves. Business nowadays is tending towards cut-throat maneuvering, decreasing customer care, and the policy that if you can't make a buck under normal conditions, you should litigate-litigate-litigate until you can put a competitor out of business and bring in fanciful amount of revenues through patent infringements.

Microsoft may not be the only company who conducts cut-throat business tactics, but it is a prime example of how a mega-corporation can influence the progression of technology, which ultimately hurts the growth of business and advancement. This settlement offers us the chance to prohibit Microsoft from further negative influences, but the condition in which the settlement currently is in offers nothing more than the Department of Justice could have had several years ago in an out of court settlement with Microsoft. I distrust Microsoft from being able to behave and act responsibly. I look upon the settlement with cynical eyes and believe that it will do NOTHING to punish Microsoft for crimes which it has been found guilty of in our courts of law.

Please consider amending this document so that it may serve the purpose which it was originally intended, as a document which will bind Microsoft from anti-competitive practices and ensures that other businesses, competitive products, and technology are allowed to flourish.

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